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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,211	07/30/2001	Tim Goldstein	10007825	2139
75	90 05/10/2002			
HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO., 80527, 2400			EXAMINER	
			PERKEY, WILLIAM B	
			2851	
			DATE MAILED: 05/10/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.  OB/1918_211  Examiner  Art Unit  William B. Perkey  2851  Art Unit  William B. Perkey  Art Unit  William B. Perkey  2851  Art Unit  William B. Perkey  2851  Art Unit  William B. Perkey  Art Unit  William B. Perkey  Art Unit  William B. Perkey  2851  Art Unit William B. Perkey  Art Unit  William B. Perkey  Art Unit  William B. Perkey  Art Unit  William B. Perkey  Art Unit  William B. Perkey  Art Unit  William B. Perkey  Art Unit  William B. Perkey  2851  Art Unit  William B. Perkey  Art Unit  William B. Perkey  Art Unit  William B. Perkey  2851  Art Unit  William B. Perkey  Art Unit  William B. Perkey  2851  Art Unit  William B. Perkey  Art Unit  William B. Perkey  2851  Art Unit  William B. Perkey  Art Unit  William B. Perkey  2851  Art Unit  William B. Perke		Application No.	Amplicant/a				
## Examiner   William B. Perkey   2851							
The MAILING DATE of this communication appears on the cover sh et with the correspondence address → Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the proximous of 3 CFR 1.13(6). In to event, however, may a reply be timely flied  If the period for reply specified above is less than thiry (30) days, a reply within the statulary minimum of thirty (30) days will be communication.  If NO period for reply specified above, the maximum statutory period trap by and will expire 3 (6) MONTHS from the mailing date of this communication.  If NO period for reply specified above, the maximum statutory period will be established with the mailing date of this communication, even if timely (30) days, a reply within the statulary minimum of the proximum of the communication, even if timely (30) days will be communication.  If NO period for reply specified above, the maximum statutory period will be part of the communication, even if timely (30) days will be communication.  If NO period for reply specified above, the maximum statutory period will be part of the communication, even if timely (30) days will be communication.  If NO period for reply specified above, the maximum statutory period will be applicated to the communication, even if timely (30) days will be communication.  If this action is FINAL.  2b) This action is non-final.  3  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quay/e, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-22 is/are pending in the application.  4) Claim(s) 1-22 is/are pending in the application.  4) Claim(s) 1-12,1+22.2+27 and 29 is/are objected to.  3) Claim(s) 1-12,1+22.2+27 and 29 is/are objected to.  3) Claim(s) 1-12,1+22.2+27 and 29 is/are objected to.  4) Claim(s) 1-12,1+22.2+27 and 29 is/are objected to by the Examiner.  10) The s	Offic Action Summary						
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Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edurations of time may be available under the provisions of 37 CFR 1.13(a). In no avent, however, may a seply be timely filed  Eduration of the provision of the provisions of 37 CFR 1.13(a). In no avent, however, may a seply be timely filed  Eduration of the provision of the provisions of 37 CFR 1.13(a). In no avent, however, may a seply be timely filed  Eduration of the provision of the provisions of 37 CFR 1.13(a). In no avent, however, may a seply be timely filed  If the period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  Pallows for reply specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication, even if timely filed, may reduce any search palaret term adjustment. See 37 CFR 1.704(a).  Status  1) Responsive to communication(s) filed on  2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-22 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 1-12.14-22.24-27 and 29 is/are rejected.  7) Claim(s) 1-12.14-22.24-27 and 29 is/are rejected.  7) Claim(s) 1-12.14-22.24-27 and 29 is/are rejected to 2 Claim(s) 1-12.14-22.24-27 and 29 is/are rejected.  7) The proposed drawing or provision and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on 39.144/2001 is/are: a) accepted or b) objected to by the Examiner.  11 provisional may not request that any objected or the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  12 provis							
THE MAILING DATE OF THIS COMMUNICATION.  Edensions of them may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after \$50. (b) NoTH'S from the mailing date of this communication.  If the product for reply specified does he leas than thin (20) days, a reply whithe the elutiony minimum of thiny (20) days, a reply whithe the elutiony minimum of thiny (20) days, a reply whithe the elutiony minimum of thiny (20) days, a reply whithe the elutiony minimum of thiny (20) days, a reply whithe the elutiony minimum of thiny (20) days, a reply whithe the elutiony minimum of thiny (20) days, a reply whithe the elutiony minimum of thiny (20) days, a reply whithe the elutiony minimum of thiny (20) days, a reply whithe the elutiony minimum of thiny (20) days, a reply whither the elution of the communication.  Failure to reply whith the set or extended period for reply will, by dalutie, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office liber than three mornions after the mailing date of this communication, even if timely filed, may reduce any earned potent term adjustment. See 37 CFR 1.704(b).  Status  1)							
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Attachment(s)	Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152) 6) Other:	2) Notice of Draftsperson's Patent Drawing Review (PTO-9	948) 5) Notice of	Summary (PTO-413) Paper No(s) · Informal Patent Application (PTO-152)				

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#### **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in-
- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).
- 2. Claims 1-5,7,15,17-22,24-27,29 are rejected under 35 U.S.C. 102(b) as being anticipated by Terunuma et al. (U.S. Patent No. 5,570,151).

Terunuma et al. shows a camera that detects the wink of the operator's eye in order to take the picture. A wink is a prolonged blink of the eye and can thus be reasonably considered a type of blink. Moreover, Terunuma et al. discloses the picture may be inadvertently taken due to unintended blinking (an involuntary physiological response) due to dust or particles getting into the eye. In the paragraph bridging columns 8 and 9, Terunuma et al. discloses operating the camera based on the number of eye blinks. The time period that power is supplied to the camera by operating the main power supply switch is a specified period of time and the number of blinks is performed within this period of time.

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3. Claims 1-6,8-12,14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Abreu (U.S. Patent No. 6,312,393).

Abreu discloses an intelligent contact lens that contains an eyelid motion and/or closure sensor and an antenna to transmit sensed eye data.

#### Allowable Subject Matter

4. Claims 13,23,28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### Telephone Numbers

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William B. Perkey whose telephone number is (703) 308-1708. The examiner can normally be reached on Monday-Thursday 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

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WB Perky

William B. Perkey Primary Examiner Art Unit 2851

WBP:wbp May 7, 2002